

## **REMARKS**

Claims 1-22, 24-49, and 53-56 are pending in this application. By this amendment, the Applicant has amended claims 1-2, 7, 16, 21, 24, 28, 34-43, 45-49 and added new claims 53-56 without prejudice. The Applicants respectfully submit that claims 1-2, 7, 16, 21, 24, 28, 34-43, 45-49, and 53-56 do not contain new matter, and that the invention, as defined by claims 1-22, 24-49, and 53-56 is patentable over the prior art.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

### **I. THE 35 U.S.C. §112 REJECTIONS**

The Examiner asserts that claims 34-49 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, at page 2 of the Office Action, mailed December 9, 2009, the Examiner stated: "Claims 34-49 recite various means in the limitations: questionnaire means, compilation means, security means, connection means, display means, statistical analysis means, and tracking means . . . the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function."

In response, Applicant has been amended claims 34-43 and 45-49 to provide the clarification sought by the Examiner. In view of the foregoing, Applicants respectfully request that the Examiner's 35 U.S.C. §112 rejection of claims 34-49 be withdrawn,

## **II. THE 35 U.S.C. §101 REJECTIONS**

The Examiner asserts that claims 1-33 and 50-52 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

As noted above, Applicant has amended independent claims 1, canceled claims 50-52, and added new claims 53-55 so as to provide the clarification sought by the Examiner. In view of the foregoing, Applicants respectfully request that the Examiner 35 U.S.C. § 101 rejection of claims 1-33 and 50-52 be withdrawn.

## **III. THE 35 U.S.C. §103 REJECTIONS**

The Examiner asserts that claims 1-3, 6-7, 10-15, 17-18, 21-24, 26-29, 31-34, 36-39, 41, and 44-52 are rejected under 35 U.S.C. §103(a) as being unpatentable over non-patent literature SurveySaid Enterprise Edition Specification (hereinafter “SurveySaid”), in view of Mackenzie, U.S. Patent App. No. 2002/0065709 (hereinafter “MacKenzie”). The Examiner further asserts that claims 4-5, 9, 30, 35, 40, and 42-43 are rejected under 35 U.S.C. §103(a) as being unpatentable over SurveySaid in view of MacKenzie, in further view of non-patent literature Perseus Survey Solutions Enterprise (hereinafter “SurveySolutions”). The Examiner also asserts that claims 8, 16, 19-20, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over SurveySaid in view of MacKenzie, in further view of Official Notice. The Applicant respectfully disagrees and submits that SurveySaid, MacKenzie, SurveySolutions, and Official Notice, alone or in combination, does not teach, suggest, or render obvious all of the limitations of the claims 1-22, 24-49, and 53-55.

Referring initially to independent claim 1, SurveySaid does not teach, among other things, the present principles, in one embodiment, which are applicable to a method for

optimizing performance in an organization, and which requires, among other things, “storing information regarding a plurality of individuals in at least one database”, “receiving information regarding a first request to access at least one questionnaire from a first computer associated with a first individual, wherein said at least one questionnaire contains information regarding at least one question”, “determining with a processor whether said first individual is authorized to access said at least one questionnaire”, “providing access to said at least one online questionnaire upon a positive authorization of said first individual”, “providing, via said processor, a plurality of questions to said first individual, wherein said plurality of questions is customized based on an organizational level of said first individual in said organization”, “transmitting, via said first computer, information regarding a first response to said at least one questionnaire”, “storing information regarding said first response in said at least one database”, “transmitting information regarding a second request to access at least one questionnaire from a second computer associated with a second individual, wherein said at least one questionnaire contains information regarding at least one question”, “determining with a processor whether said second individual is authorized to access said at least one questionnaire”, “providing access to said at least one online questionnaire upon a positive authorization of said second individual”, “providing, via said processor, a plurality of questions to said second individual, wherein said plurality of questions is customized based on said organizational level of said second individual in said organization”, “transmitting, via said second computer, information regarding a second response to said at least one questionnaire”, “storing information regarding said second response in said at least one database”, “analyzing, via said processor, said results for said optimizing”, and “creating, via said processor, an action plan for said first individual and said second individual.” MacKenzie, SurveySolutions, and Official Notice also fail to teach these features.

Applicant's invention, as disclosed in the specification, is a system for facilitating communication and teamwork within an organization using real-time techniques. (Abstract). The system allows individuals to provide responses for improving business, and compiling the results into one or more databases. (Abstract). A real-time web-based individual appraisal system for optimizing cooperation, communication, and performance is disclosed and includes several online tools for engaging individuals and can be customized to many different individual or business needs. (Specification, p. 16, ln. 16–21). Included is a means for querying via questionnaires regarding personal and company related topics. (Specification, p. 16, ln. 16–21), and the questionnaires may be tailored specifically for different occupational/individual groups or customized to meet the needs of the individual, team, business or organization. (Specification, p. 32, ln. 17 – p. 33, ln. 6). These limitations are not taught anywhere in SurveySaid, MacKenzie, SurveySolutions, and Official Notice.

SurveySaid merely discloses a system for providing a survey for multiple users. (SurveySaid, pg. 1). SurveySaid also discloses standard analysis through frequency of answers by count and percent, verbatim analysis, two-dimensional ranking tables, and multi-field numeric grouping, (SurveySaid, pg. 2). SurveySolutions discloses a questionnaire published on the Web and real-time access to survey results is available from the desktop. (SurveySolutions, p. 2). MacKenzie discloses a linear programming model being run on the results from the organizational diagnostic survey, and feasible knobs for the organization are selected, to produce recommendations for organizational improvement. (MacKenzie, para. [0022]).

However, SurveySaid, MacKenzie, SurveySolutions, and Official Notice do not teach, among other things, Applicant's invention of "receiving information regarding a first request to access at least one questionnaire from a first computer associated with a first individual, wherein

said at least one questionnaire contains information regarding at least one question”, “determining with a processor whether said first individual is authorized to access said at least one questionnaire”, “providing access to said at least one online questionnaire upon a positive authorization of said first individual”, “providing, via said processor, a plurality of questions to said first individual, wherein said plurality of questions is customized based on an organizational level of said first individual in said organization”, “transmitting information regarding a second request to access at least one questionnaire from a second computer associated with a second individual, wherein said at least one questionnaire contains information regarding at least one question”, “determining with a processor whether said second individual is authorized to access said at least one questionnaire”, “providing access to said at least one online questionnaire upon a positive authorization of said second individual”, “providing, via said processor, a plurality of questions to said second individual, wherein said plurality of questions is customized based on said organizational level of said second individual in said organization”, and “creating, via said processor, an action plan for said first individual and said second individual.” In contradistinction, SurveySaid does not disclose a validating a first or second individual or creating an action plan based on the results of the survey. In light of the comments above, the Applicant submits that SurveySaid, MacKenzie, SurveySolutions, and Official Notice, alone or in combination, fail to teach, render obvious, or even suggest, the features of claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of independent claim 1.

Further, as claims 2-22, 24-33, and 56 depend either directly or indirectly from independent claim 1, they contain all of the elements and limitations of the claim from which they depend. Claims 2-22, 24-33, and 56 are therefore, patentable over SurveySaid, MacKenzie,

SurveySolutions, and Official Notice for at least the same reasons as independent claim 1. The Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103 rejection of claims 2-22, 24-33, and 56.

Referring next to independent claim 34, Applicants respectfully submit that the limitations of claim 34 are analogous to those discussed above for claim 1. As described above regarding claim 1, SurveySaid does not teach among other things, the present principles, in one embodiment, which are applicable to a system for optimizing performance in an organization by facilitating communication and teamwork within an organization using real-time techniques. (Abstract). The system allows individuals to provide responses for improving business, and compiling the results into one or more databases. (Abstract). A real-time web-based individual appraisal system for optimizing cooperation, communication, and performance is disclosed and includes several online tools for engaging individuals and can be customized to many different individual or business needs. (Specification, p. 16, ln. 16–21). Included is a means for querying via questionnaires regarding personal and company related topics. (Specification, p. 16, ln. 16–21), and the questionnaires may be tailored specifically for different occupational/individual groups or customized to meet the needs of the individual, team, business or organization. (Specification, p. 32, ln. 17 – p. 33, ln. 6). These limitations are not taught anywhere in SurveySaid, MacKenzie, SurveySolutions, and Official Notice.

SurveySaid merely discloses a system for providing a survey for multiple users. (SurveySaid, pg. 1). SurveySaid also discloses standard analysis through frequency of answers by count and percent, verbatim analysis, two-dimensional ranking tables, and multi-field numeric grouping, (SurveySaid, pg. 2). SurveySolutions discloses a questionnaire published on the Web and real-time access to survey results is available from the desktop. (SurveySolutions, p. 2).

MacKenzie discloses a linear programming model being run on the results from the organizational diagnostic survey, and feasible knobs for the organization are selected, to produce recommendations for organizational improvement. (MacKenzie, para. [0022]).

However, SurveySaid, MacKenzie, SurveySolutions, and Official Notice do not teach, among other things, Applicant's invention of "at least one database for storing information regarding a plurality of individuals, for storing information regarding a first response, for storing information regarding a second response, and for compiling results of at least one online questionnaire", "a first computer for transmitting information regarding a first request to access said at least one online questionnaire, wherein said first computer is associated with a first individual", "a second computer for transmitting information regarding a second request to access said at least one online questionnaire, wherein said second computer is associated with a second individual;", "a processor for determining whether said first individual is authorized to access said at least one online questionnaire, and for determining whether said second individual is authorized to access said at least one online questionnaire", "wherein said processor provides access to said at least one online questionnaire upon a positive authorization of said first individual, provides access to said at least one online questionnaire upon a positive authorization of said second individual, and provides a plurality of questions connected to said at least one online questionnaire to each of said first and second individuals", "wherein said plurality of questions to said first individual is customized based on a level of said first individual in said organization", "wherein said first computer transmits information regarding a first response to said at least one questionnaire", "wherein said second computer transmits information regarding a second response to said at least one questionnaire", and "wherein said system creates an action plan for said first individual and said second individual in response to said optimizing." In

contradistinction, SurveySaid does not disclose a validating a first or second individual or creating an action plan based on the results of the survey. In light of the comments above, the Applicant submits that SurveySaid, MacKenzie, SurveySolutions, and Official Notice, alone or in combination, fail to teach, render obvious, or even suggest, the features of claim 34. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of independent claim 34.

Further, as claims 35-49 depend either directly or indirectly from independent claim 34, they contain all of the elements and limitations of the claim from which they depend. Claims 35-49 are therefore, patentable over SurveySaid, MacKenzie, SurveySolutions, and Official Notice for at least the same reasons as independent claim 34. The Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103 rejection of claims 35-49.

Referring finally to independent claim 53, Applicant respectfully submits that SurveySaid does not teach, among other things, the present principles, in one embodiment, which are applicable to a method for optimizing performance of an organization, and which requires, among other things, “storing information regarding a plurality of individuals in a storage device”, “receiving information regarding a first request to access at least one online tool from a first computer associated with a first individual of said plurality of individuals, wherein said at least one online tool comprises at least one questionnaire, wherein said at least one questionnaire contains information regarding at least one question”, “determining with a processor whether said first individual is authorized to access said at least one online tool”, “providing access to said at least one online tool upon a positive authorization of said first individual”, “providing said at least one question to said first individual, wherein said at least one question is associated with said at least one online tool”, “receiving, via said first computer, information regarding a



first response to said at least one question”, “storing, via said database, information regarding said first response in a first user account associated with said first individual”, “providing a prompt to said first individual to share said information regarding said first response with at least one second individual of said plurality of individuals”, “receiving information regarding a second request to access said at least one online tool from a second computer associated with a second individual of said plurality of individuals”, “determining with a processor whether said second individual is authorized to access said at least one online tool”, “providing, via said processor, access to said at least one online tool upon a positive authorization of said second individual”, “determining, with said processor, whether said second individual is authorized to access said first response”, “providing, via said processor, said second individual with access to said first response upon a positive authorization to share said information regarding said first response”, “receiving, via said second computer, a second response, wherein said second response is received after viewing said first response”, “transmitting, via said processor, information regarding said second response to said first user account”, and “applying, via said first computer, said second response to optimize said first response.” MacKenzie, SurveySolutions, and Official Notice also fail to teach these features.

Applicant’s invention, as disclosed in the specification, is a system for facilitating communication and teamwork within an organization using real-time techniques. (Abstract). The system allows individuals to utilize an online software solution for connecting, coaching, and communicating with individuals within an organization. (Abstract). The system provides for individuals to input their goals and ideas for managerial analysis, as well as assess themselves through evaluation and performance tools, in a timely and efficient manner. (Specification, pg. 15, ln. 3-13). The invention provides a self-appraisal process and system for optimizing

communication between individuals and managers, managers and executives, and members of a team. (Specification, pg. 15, ln. 8-11). The system could be used to allow individuals from any organization to come online and provide their personal input to a larger group issue in an online collaboration process, or be used to create a vision, defining customer requirements, getting feedback from customers and partners, etc. (Specification, pg. 40, ln. 11—pg. 41, ln. 2). These limitations are not taught anywhere in SurveySaid, MacKenzie, SurveySolutions, and Official Notice.

SurveySaid merely discloses a system for providing a survey for multiple users. (SurveySaid, pg. 1). SurveySaid also discloses standard analysis through frequency of answers by count and percent, verbatim analysis, two-dimensional ranking tables, and multi-field numeric grouping, (SurveySaid, pg. 2). SurveySolutions discloses a questionnaire published on the Web and real-time access to survey results is available from the desktop. (SurveySolutions, p. 2). MacKenzie discloses a linear programming model being run on the results from the organizational diagnostic survey, and feasible knobs for the organization are selected, to produce recommendations for organizational improvement. (MacKenzie, para. [0022]).

However, SurveySaid, MacKenzie, SurveySolutions, and Official Notice do not teach, among other things, Applicant's invention of "storing information regarding a plurality of individuals in a storage device", "receiving information regarding a first request to access at least one online tool from a first computer associated with a first individual of said plurality of individuals, wherein said at least one online tool comprises questionnaire plurality of open-ended questions", "determining with a processor whether said first individual is authorized to access said at least one online tool", "providing access to said at least one online tool upon a positive authorization of said first individual", "customizing, via said processor, said at least one online

tool based on said level of said first individual in said organization to create a first customized online tool, wherein said customized online tool comprises at least one open-ended question associated with said first individual”, “receiving, via said first computer, information regarding a first response to said at least one open-ended question”, “storing, via said database, information regarding said first response in an account associated with said first individual”, “providing a prompt to said first individual to share said information regarding said first response with a second individual of said plurality of individuals”, “receiving information regarding a second request to access said customized online tool from a second computer associated with a second individual of said plurality of individuals”, “determining with a “, “providing, via said processor, access to said customized online tool upon a positive authorization of said second individual”, “customizing, via said processor, said customized online tool based on said level of said second individual in said organization to create a second customized online tool”, “determining, with said processor, whether said second individual is authorized to access said first response”, “providing, via said processor, said second individual with access to said first response upon a positive authorization to share said information regarding said first response”, “receiving, via said second computer, a second response in said customized online tool, wherein said second response is provided in response to said first response”, “receiving, via said processor, information regarding said second response to said first user account”, “transmitting, via said processor, said second response to said customized online tool associated with said first individual”, and “analyzing said second response to optimize said first response.” In contradistinction, SurveySaid does not disclose a plurality of online tools that may be shared so as to communicate a shared vision for the organization. In light of the comments above, the Applicant submits that SurveySaid, MacKenzie, SurveySolutions, and Official Notice, alone or

in combination, fail to teach, render obvious, or even suggest, the features of claim 53.

Further, as claims 54-55 depend either directly or indirectly from independent claim 53, they contain all of the elements and limitations of the claim from which they depend. Claims 54-55 are therefore, patentable over SurveySaid, MacKenzie, SurveySolutions, and Official Notice for at least the same reasons as independent claim 53. The Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 103 rejection of claims 54-55.

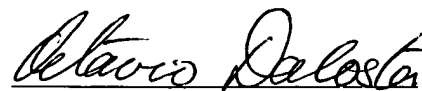
### III. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending claims 1-22, 24-49, and 53-56 is, therefore, respectfully requested.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned attorney to discuss the same.

Respectfully submitted,

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